IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 661 OF 1998

Kishor Krishna Bhoite & anr. ... Appellants.

Versus.

Gopichand Dagadu Bhoite. ... Respondents.

Ms.Vaidhehi Maispurkar for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 25th April, 2005.

P.C.:

1. The learned Counsel appearing for the Appellants states that the main suit has been dismissed for default by the trial Court in December 2000 and the Appellants have not informed the learned Counsel whether any application for restoration is made.

2. In view of this position, the Appeal does not survive and the same is dismissed as infructuous. In case the suit in the trial Court is restored, liberty to the Appellants to apply for restoration of this Appeal.

Judge.